

**197—10.2(534) Authority.**

**10.2(1)** An association is authorized to act, when not in contravention to local law, as trustee, executor, administrator, guardian, receiver, managing agent, registrar of stocks and bonds, escrow, transfer and paying agent, trustee of employee pension, welfare, and profit-sharing trusts, or in any other fiduciary capacity which state-chartered corporate fiduciaries exercise under local law. The granting to, and exercise of powers shall not be deemed to be in contravention of local law whenever the laws of Iowa authorize or permit the exercise of any or all of the foregoing powers by state banks, trust companies or other corporations which compete with savings and loan associations.

**10.2(2)** An association desiring to exercise fiduciary powers, either through a trust department or through an affiliate, shall file with the superintendent an application indicating which trust services it wishes to offer and providing the information necessary to make the determinations under this subrule. In passing upon an application to exercise trust powers, consideration will be given, but not limited to, the following:

- a.* The financial condition of the association, provided that in no event shall trust powers be granted to an association if its financial condition is such that the association does not meet the financial standards required by state laws of state-chartered corporate fiduciaries;
- b.* The needs of the community for fiduciary services and the probable volume of such fiduciary business available to the association;
- c.* The general character and ability of the management of the association;
- d.* The nature of the supervision to be given to the fiduciary activities, including the qualifications, experience and character of the proposed officer or officers of the trust department; and
- e.* Whether the association has available legal counsel to advise and pass upon fiduciary matters wherever necessary.

**10.2(3)** Whenever local law requires corporations acting as fiduciary to deposit securities with state authorities for the protection of private or court trusts, associations authorized to exercise trust powers shall, before undertaking to act in any fiduciary capacity, make a similar deposit with the state of Iowa. If the state authorities refuse to accept a deposit, the securities shall be deposited with the Federal Home Loan Bank of Des Moines, and the securities shall be held for the protection of private or court trusts with like effect as though the securities had been deposited with the state of Iowa.